

THE URGENCY OF ECONOMIC LAW IN PROVIDING PROTECTION FOR THE POOR, NEGLECTED CHILDREN, AND OTHER VULNERABLE GROUPS AS MANDATED BY THE CONSTITUTION: A LITERATURE STUDY

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Abstract

This research aims to analyse the urgency of economic law in providing protection for the poor, abandoned children, and other vulnerable groups as mandated by the constitution, particularly Article 34 of the 1945 Constitution. Through a literature study approach, this research examines various regulations, policies and social protection programmes that have been implemented in Indonesia. The results show that economic law plays an important role in ensuring access to justice, social protection and equal opportunities for vulnerable groups. However, the implementation of economic law protection still faces various obstacles, such as budget constraints, the complexity of legal procedures, low legal literacy, and structural discrimination. This research recommends strengthening regulations, increasing the capacity of implementing agencies, synergising between agencies, and empowering vulnerable groups so that economic legal protection can run effectively and fairly as mandated by the constitution.

Keywords: economic law, legal protection, poor, abandoned children, vulnerable groups, constitution.

Introduction

The protection of the poor, abandoned children and other vulnerable groups is one of the main pillars in realising social justice in Indonesia. The constitutional mandate, especially Article 34 of the 1945 Constitution of the Republic of Indonesia, explicitly places the state as the main responsibility in ensuring that these groups obtain their rights in a decent and dignified manner (Davey et al., 2022).

Indonesia adopts the concept of a welfare state, where social protection is an integral part of national development. The *participatory welfare state* model adopted by Indonesia emphasises the involvement of the state and society in handling social problems and providing social security for all people (Kuran et al., 2020). In the context of economic law, the protection of vulnerable groups is not only social, but also part of the national economic development strategy. Economic law plays an important role in creating a system that is able to reduce poverty, reduce vulnerability, and minimise multidimensional disparities in society (Engström, 2020).

Government-designed social protection programmes include various instruments, such as social insurance, social assistance, social services, and labour market policies. These programmes aim to prevent people from slipping into poverty

and provide opportunities to improve their lives through investments in human and health capital (La Januru et al., 2025).

Social welfare regulated in Article 34 of the 1945 Constitution confirms that the state is responsible for caring for the poor and abandoned children, developing a social security system, and empowering the weak and incapable in accordance with human dignity. This shows that economic legal protection for vulnerable groups is not just a policy choice, but a constitutional obligation (Siagian et al., 2020).

Economic legal protection also includes the state's efforts to provide decent health care facilities and public services. The state not only guarantees basic rights, but is also responsible for providing facilities that can improve the quality of life of vulnerable groups.

In Indonesia, various regulations have been issued to strengthen economic legal protection, such as Law No. 40/2004 on the National Social Security System and Law No. 11/2009 on Social Welfare. These regulations serve as a legal umbrella for the implementation of various social protection programmes targeting vulnerable groups. However, in practice, the implementation of economic legal protection still faces various challenges. These include budget constraints, weak law enforcement, lack of access to information, and discrimination and social inequality that are still felt by vulnerable groups (Saxena et al., 2021).

In addition, economic legal protection must also be able to respond to the dynamics of social and economic changes that occur in society. Changes in economic structure, urbanisation, and globalisation require adaptation of social protection policies and programs to remain relevant and effective in protecting vulnerable groups (Riefa., 2020)

The urgency of economic law in providing protection for the poor, abandoned children, and other vulnerable groups is increasingly evident in the midst of crisis situations, such as pandemics or natural disasters. In these conditions, vulnerable groups are the most affected and require quick and appropriate state intervention (Wu, 2020).

The literature shows that countries that have succeeded in reducing poverty and narrowing inequality are those with strong social protection systems supported by effective legal regulation of the economy. International standards, such as ILO Convention No. 102, also emphasise the importance of social security as a human right and an economic and social imperative (Engström, 2020).

Based on the above description, this research is important to analyse the urgency of economic law in providing protection for the poor, abandoned children, and other vulnerable groups as mandated by the constitution. Through the literature study, it is hoped that solutions and policy recommendations can be found that can strengthen economic legal protection for vulnerable groups in Indonesia.

Research Methods

The research method used in this study is a qualitative method with a literature study approach (library research), namely by collecting, reading, and analysing various relevant literature sources such as books, scientific journals, laws and regulations, policy reports, and previous research results related to economic law and protection for the poor, abandoned children, and other vulnerable groups (Eliyah & Aslan, 2025). The data obtained from the literature is then analysed descriptively-analytically to identify, classify, and interpret the urgency and implementation of economic law in providing protection according to the constitutional mandate, so as to produce a comprehensive and in-depth understanding of the issues studied (Booth & Carroll, 2020).

Results and Discussion

The Urgency of Economic Law in Providing Protection for Vulnerable Groups as Mandated by the Constitution

Vulnerable groups such as the poor, abandoned children, people with disabilities, women, the elderly, and other marginalised groups are part of society that has a high risk of experiencing rights violations and injustice. The Indonesian Constitution, especially Article 34 of the 1945 Constitution, affirms that the state is obliged to maintain and protect these groups as part of efforts to realise social justice for all Indonesian people (Bataineh & Momani, 2022).

Economic law plays an important role in creating a fair and inclusive system, ensuring vulnerable groups have access to economic resources, social protection and equal opportunities. Economic law not only regulates market mechanisms, but also regulates state intervention to address inequality and discrimination experienced by vulnerable groups. Economic legal protection for vulnerable groups is realised through various regulations, such as the National Social Security System Law, the Social Welfare Law, and various affirmative policies. These regulations form the basis for the implementation of social security, social assistance, and legal protection programmes that target vulnerable groups directly (Mayrhofer, 2025).

The constitutional mandate places the state as the main actor in fulfilling the rights of vulnerable groups. The state is not only morally responsible, but also legally responsible to ensure that every citizen, especially the vulnerable, receives proper treatment and protection in accordance with human dignity (Rahmadani & Anis, 2022).

The implementation of economic law in the protection of vulnerable groups includes the provision of health facilities, education, housing, and access to decent work. The state is also obliged to develop an inclusive and sustainable social security system, and empower the weak and disadvantaged. The main obstacles to the protection of vulnerable groups include budget constraints, weak law enforcement, overlapping regulations, and lack of coordination between institutions. In addition,

there is still structural and social discrimination that prevents vulnerable groups from fully enjoying their rights (Cavicchi & Vagnoni, 2020).

Economic legal protection must also be adaptive to social and economic changes, such as urbanisation, globalisation, and crises (e.g. pandemics). Vulnerable groups are often the most affected in crisis situations, so the state must be responsive and innovative in designing effective protection policies. Legal literacy is an important factor in improving the capacity of vulnerable groups to access legal protection. Improved legal literacy can help vulnerable groups understand their rights and utilise available protection mechanisms (Budiarti, 2023).

The role of local governments is also very important in expanding the reach of economic legal protection. Local governments can issue local regulations that are more specific and contextualised according to the needs of vulnerable groups in their area, so that protection becomes more effective and targeted (Mardiyani & Yuwono., 2025)

Synergies between agencies and collaboration with civil society are needed to strengthen economic legal protection. The involvement of community organisations, legal aid agencies, and local communities can accelerate problem identification and the distribution of assistance to vulnerable groups (Perrone, 2020).

Regulatory evaluation and harmonisation is an important step to overcome overlapping and disharmonious regulations that often hamper the effectiveness of protection. Clear, coordinated and evidence-based regulations will increase legal certainty and justice for vulnerable groups (Rustamova, 2025).

The principle of non-discrimination must be the cornerstone of every economic law policy and regulation. The state must ensure that no group is marginalised or discriminated against in access to protection and public services. Institutional strengthening is needed so that institutions implementing the protection of vulnerable groups have adequate capacity, resources and authority. Strong institutions will ensure effective and sustainable policy implementation (Aurino & Giunti., 2023)

Empowering vulnerable groups through training, access to capital, and mentoring is an integral part of economic legal protection. This empowerment aims to make vulnerable groups not only objects of protection, but also active subjects in economic and social development. Supervision and accountability for the implementation of economic legal protection must be strengthened through evaluation, reporting and public participation mechanisms. Transparency and accountability will prevent abuse of power and ensure protection programmes are well-targeted (Davey et al., 2022).

States should also pay attention to international standards in the protection of vulnerable groups, such as the ILO Convention, CEDAW, and CRC, which have been ratified and become part of the national legal system. These standards strengthen the state's commitment to guaranteeing the rights of vulnerable groups universally (Cook, 2013).

Thus, economic law has a very high urgency in providing protection for vulnerable groups as mandated by the constitution. Through inclusive regulations, effective implementation, and institutional strengthening, the state can ensure that vulnerable groups obtain their rights fairly and with dignity. This effort must be supported by synergy between agencies, community empowerment, and continuous evaluation and harmonisation of regulations so that economic legal protection can truly benefit all vulnerable groups in Indonesia.

Obstacles and Solutions in the Implementation of Economic Legal Protection

Barriers to the implementation of economic legal protection for vulnerable groups in Indonesia remain a serious challenge that requires comprehensive and sustainable solutions. One of the main obstacles is the high cost of litigation for the poor and vulnerable. The costs of administration, transport and legal services are often unaffordable, making them reluctant or unable to access the justice system (Kumar, 2023) . In addition to cost, the complexity of legal procedures is also a significant obstacle. Complicated and convoluted legal processes make it difficult for vulnerable groups to understand and follow the steps required to obtain legal protection. This is exacerbated by low levels of education and legal literacy among the poor and other vulnerable groups (Nolan, 2020) .

The lack of adequate legal aid is also a major obstacle. Existing legal aid organisations often lack human resources, funding and service coverage, especially in remote areas. As a result, many vulnerable groups do not receive proper legal assistance when facing legal problems. The low level of legal awareness in the community, especially among vulnerable groups, means that they are unaware of their rights and the procedures for obtaining free legal aid. Limited socialisation and legal education exacerbate this condition, resulting in many vulnerable groups' rights being overlooked (Gitman & Zutter, 2015) .

Systemic discrimination in the justice system is also a serious obstacle. Law enforcement officials often lack an inclusive perspective and are sensitive to the special needs of vulnerable groups, such as women victims of violence, people with disabilities and indigenous peoples. As a result, these groups often experience unfair treatment or even revictimisation in the legal process (Lopes & Romano-Lieber, 2022) .

Administrative and bureaucratic barriers also often prevent vulnerable groups from accessing legal protection. Complicated paperwork requirements and lack of administrative support result in many cases involving vulnerable groups being rejected or not properly processed in court. Limited legal infrastructure in rural and remote areas exacerbates vulnerable groups' access to economic legal protection (Hogue & Harrell, 2021) . Legal aid services and judicial facilities are more concentrated in urban areas, making it difficult for people in remote areas to obtain adequate legal assistance. The lack of coordination between government agencies, legal aid institutions and civil

society organisations is also an obstacle to the implementation of economic legal protection. Weak synergy causes protection programmes to not run optimally and often overlap (Irmin et al., 2020).

Solutions that can be sought to overcome these obstacles include simplifying legal procedures and reducing court fees for vulnerable groups. The government needs to allocate a special budget to subsidise court fees and expand free legal aid services. Increasing the capacity and reach of legal aid institutions is essential. The government and non-governmental organisations need to strengthen the human resources, funding and infrastructure of legal aid institutions, especially in remote and rural areas (Permana & S. N., 2022).

Legal socialisation and education to the community must be increased massively and continuously. Inclusive legal literacy programmes can help vulnerable groups understand their rights and procedures to obtain economic legal protection. Training based on gender, disability and human rights perspectives for law enforcement officers is needed. This aims to make officers more sensitive and responsive to the special needs of vulnerable groups in the legal process (Merdiani ., 2025)

Strengthening regulations and harmonising laws and regulations are also important solutions. The government needs to revise and update regulations to be more inclusive and adaptive to the dynamics of vulnerability faced by vulnerable groups. Digital system development and technological innovation can be a solution to expand access to economic legal protection. Online legal consultation services, legal aid applications, and online reporting systems can make it easier for vulnerable groups to access information and legal assistance (Syahputra ., 2023)

Empowering communities and vulnerable groups through training, mentoring, and access to capital is also important so that they are not only objects of protection, but also active subjects in fighting for their rights. Strengthening supervision and accountability for the implementation of economic legal protection must be carried out through evaluation, reporting and public participation mechanisms. Transparency and accountability will prevent abuse of power and ensure protection programmes are well-targeted (Muntasir et al., 2024).

Thus, overcoming these obstacles through integrated solutions, it is hoped that the implementation of economic legal protection for vulnerable groups can run more effectively, inclusively and equitably as mandated by the constitution.

Conclusion

The urgency of economic law in providing protection for the poor, abandoned children, and other vulnerable groups as mandated by the constitution shows that the role of the state is vital in guaranteeing the basic rights of vulnerable groups. Economic law is an important instrument to ensure access to justice, social protection, and equal opportunities through regulations, affirmative policies, and inclusive and sustainable

social security programmes. The state must be present not only as a policy maker, but also as an implementer and supervisor so that the protection is truly felt by vulnerable groups.

The implementation of economic legal protection still faces various obstacles, such as budget constraints, the complexity of legal procedures, low legal literacy, and structural discrimination that hinders vulnerable groups' access to justice. In addition, synergy between agencies, institutional strengthening, and regulatory harmonisation are key to overcoming overlapping policies and ensuring effective and targeted protection. Efforts to empower vulnerable groups through training, mentoring, and access to capital are also very important so that they are not only objects of protection, but also active subjects in economic and social development.

Thus, the urgency of economic law in the protection of vulnerable groups is a constitutional mandate that must be realised through inclusive regulations, effective implementation, and continuous monitoring and evaluation. Only with a strong commitment from the state and all stakeholders can economic legal protection provide optimal benefits for the poor, abandoned children, and other vulnerable groups in Indonesia.

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